Annexure A

TREATY OF AMITY AND COOPERATION
IN SOUTHEAST ASIA

Bali, 24 February 1976

The High Contracting Parties:

CONSCIOUS of the existing ties of history, geography and culture, which have bound their peoples together;

ANXIOUS to promote regional peace and stability abiding respect for justice and the rule of law and enhancing regional resilience in their relations;

DESIRING to enhance peace, friendship and mutual cooperation on matters affecting Southeast Asia consistent with the spirit and principles of the Charter of the United Nations, the Ten Principles adopted by the Asian-African Conference in Bandung, on 25 April 1955, the Declaration of the Association of Southeast Asian Nations signed in Bangkok on 8 August 1967, and the Declaration signed in Kuala Lumpur on 27 November 1971;

CONVINCED that the settlement of differences or disputes between their countries should be regulated by rational, effective and sufficiently flexible procedures, avoiding negative attitudes which might endanger or hinder cooperation;

Believing in the need for cooperation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony;

SOLEMNLY AGREE to enter into a Treaty of Amity and Cooperation as follows:

CHAPTER I
Purpose and Principles

Article 1
The purpose of this Treaty is to promote perpetual peace, everlasting amity and cooperation among their peoples which would contribute to their strength, solidarity and closer relationship;

Article 2
In their relations with one another, the High Contracting Parties shall be guided by the following fundamental principles:
   a. Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations;
   b. The right of every State to lead its national existence free from external interference, subversion and coercion;
   c. Non-interference in the internal affairs of one another;
   d. Renunciation of the threat or use of force;
e. Effective cooperation among themselves.

CHAPTER II
Amity

Article 3
In pursuance of the purpose of this Treaty, the High Contracting Parties shall endeavour to strengthen the traditional, cultural and historical ties of friendship, good neighbourliness and cooperation which bind them together and shall fulfill in good faith the obligations assumed under this Treaty. In order to promote closer understanding among them, the High Contracting Parties shall encourage and facilitate contact and intercourse among their peoples.

CHAPTER III
Cooperation

Article 4
The High Contracting Parties shall promote active cooperation in the economic, social, technical, scientific and administrative fields as well as in matters of common ideals and aspirations of international peace and stability in the region and all other matters of common interest.

Article 5
Pursuant to Article 4, the High Contracting Parties shall exert their maximum efforts multilaterally as well as bilaterally on the basis of equality, non-discrimination and mutual benefit.

Article 6
The High Contracting Parties shall collaborate for the acceleration of the economic growth in the region in order to strengthen the foundation for a prosperous and peaceful community of nations in Southeast Asia. To this end, they shall promote the greater utilization of their agriculture and industries, the expansion of their trade and the improvement of their economic infrastructure for the mutual benefit of their peoples. In this regard, they shall continue to explore all avenues for close and beneficial cooperation with other States as well as international and regional organizations outside the region.

Article 7
The High Contracting Parties, in order to achieve social justice and to raise the standard of living of the peoples of the region, shall intensify economic cooperation. For this purpose, they shall adopt appropriate regional strategies for economic development and mutual assistance.
Article 8

The High Contracting Parties, shall strive to achieve the closest cooperation on the widest scale and shall seek to provide assistance to one another in the form of training and research facilities in the social, cultural technical, scientific and administrative fields.

Article 9

The High Contracting Parties shall endeavour to foster cooperation in the furtherance of the cause of peace, harmony and stability in the region. To this end, the High Contracting Parties shall maintain regular contacts and consultations with one another on international and regional matters with a view to coordinating their views, actions and policies.

Article 10

Each High Contracting Parties shall not in any manner or form participate in any activity which shall constitute a threat to the political and economic stability, sovereignty or territorial integrity of another High Contracting Party.

Article 11

The High Contracting Parties shall endeavour to strengthen their respective regional resilience in their political, economic, socio-cultural as well as security fields in conformity with their respective ideals and aspirations, free from external interference as well as internal subversive activities in order to preserve respective national identities.

Article 12

The High Contracting Parties shall in their efforts to achieve regional prosperity and security, shall endeavour to cooperate in all fields for the promotion of regional resilience, based on the principles of self-confidence, self-reliance, mutual respect cooperation and solidarity which will constitute the foundation for a strong and viable community of nations in Southeast Asia.

CHAPTER IV
Pacific Settlement of Disputes

Article 13

The High Contracting Parties shall have the determination and good faith to prevent disputes from arising. In case disputes on matters directly affecting them should arise, especially disputes likely to disturb regional peace and harmony, they
should refrain from the threat or use of force and shall at all the times settle such disputes among themselves through friendly negotiations.

**Article 14**

To settle disputes through regional processes, the High Contracting Parties shall constitute, as a continuing body, a High Council comprising a Representative at ministerial level from each of the high Contracting Parties to take cognizance of the existence of disputes or situations likely to disturb regional peace and harmony.

**Article 15**

In the event no solution is reached through direct negotiations, the High Council shall take cognizance of the dispute or the situation and shall recommend to the parties in dispute appropriate means of settlement such as good offices, mediation, inquiry or conciliation. The High Council may however offer its good offices, or upon agreement of the parties in dispute, constitute itself into a committee of mediation, inquiry or conciliation. When deemed necessary, the High Council shall recommend appropriate measures for the prevention of a deterioration of the dispute or the situation.

**Article 16**

The foregoing provisions of this Chapter shall not apply to a dispute unless all the parties to the dispute agree to their application to the dispute. However, this shall not preclude the other High Contracting Parties not party to the dispute from offering all possible assistance to settle the said dispute. Parties to the dispute should be well disposed towards such offers of assistance.

**Article 17**

Nothing in this Treaty shall preclude recourse to the modes of peaceful settlement contained in Article 33 (1) of the Charter of the United Nations. The High Contracting Parties which are parties to a dispute should be encouraged to take initiatives to solve it by friendly negotiations before resorting to the other procedures provided for in the Charter of the United Nations.

**CHAPTER IV**

**General Provision**

**Article 18**

This Treaty shall be signed by the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand. It shall be ratified in accordance with the constitutional procedures of each Signatory State.

It shall be open for accession by other States in Southeast Asia.
Article 19

This Treaty shall enter into force on the date of the deposit of the fifth instrument of ratification with the Governments of the signatory States which are designated Depositories of this Treaty and the instruments of ratification or accession.

Article 20

This Treaty is drawn up in the official language of the High Contracting Parties shall, all of which are equally authoritative. There shall be an agreed common translation of the texts in the English language. Any divergent interpretation of the common text shall be settled by negotiation.

IN FAITH THEREOF the High Contracting Parties have signed the Treaty and have hereto affixed their Seals.

DONE at Denpasar, Bali, Twenty-Fourth Day of February in the Year One Thousand Nine Hundred and Seventy-Six.

For the Republic of Indonesia:

signed

SOEHARTO

President

For Malaysia:

signed

DATUK HUSSEIN ONN

Prime Minister

For the Republic of the Philippines

signed

FERDINAND E. MARCOS

President

For the Republic of Singapore

signed

Lee Kuan Yew

Prime Minister

For the Kingdom of Thailand

Signed

KUKRIT PRAMOJ

Prime Minister
Annex B

PROTOCOL AMENDING THE TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA

Manila, 15 December 1987

The Government of Brunei Darussalam
The Government of the Republic of Indonesia
The Government of Malaysia
The Government of the Republic of the Philippines
The Government of the Republic of Singapore
The Government of the Kingdom of Thailand

DESIRING to further enhance cooperation with all peace-loving nations, both within and outside Southeast Asia and, in particular, neighbouring States of the Southeast Asia region;

CONSIDERING paragraph 5 of the preamble of the Treaty of Amity and Cooperation in Southeast Asia, done at Denpasar, Bali, on 24 February 1976 (hereinafter referred to as the Treaty of Amity) which refers to the need for cooperation with all peace-loving nations, both within and outside Southeast Asia, in the furtherance of world peace, stability and harmony.

HEREBY AGREE THE FOLLOWING:

Article I

Article 18 of the Treaty of Amity shall be amended to read as follows:

"This Treaty shall be signed by the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Republic of Singapore and the Kingdom of Thailand. It shall be ratified in accordance with the constitutional procedures of each signatory State.

It shall be open for accession by other States in Southeast Asia.

States outside Southeast Asia may also accede to this Treaty by the consent of all the States in Southeast Asia which are signatories to this Treaty and Brunei Darussalam."

Article 2

Article 14 of the Treaty shall be amended to read as follows:

"To settle disputes through regional processes, the High Contracting Parties shall constitute as a continuing body, a High Council comprising a Representative at
ministerial level from each of the High Contracting Parties to take cognizance of the existence of disputes or situation likely to disturb regional peace and harmony.

However this article shall apply to any of the States outside Southeast Asia which have acceded to the Treaty only in cases where that State is directly involved in the dispute to be settled through the regional processes."

Article 3

This Protocol should be subject to ratification and shall come into force on the date the last instrument of ratification of the High Contracting Parties is deposited.

DONE at Manila, the fifteenth day of December in the year one thousand nine hundred and eighty-seven.

For Brunei Darussalam:
signed
PRINCE MOHAMED BOLKIAH
Minister of Foreign Affairs

For the Republic of Indonesia:
signed
PROF. DR. MOCHTAR KUSUMAATMADJA
Minister for Foreign Affairs

For Malaysia:
signed
DATO HAJI ABU HASSAN HAJI OMAR
Minister of Foreign Affairs

For the Republic of the Philippines:
signed
RAUL S. MANGALAPUS
Secretary of Foreign Affairs

For the Republic of Singapore:
signed
S. DHANABALAN
Minister for Foreign Affairs

For the Kingdom of Thailand:
signed
AIR CHIEF MARSHALL SIDDHI SAVETSILA
Minister of Foreign Affairs
THE ASEAN REGIONAL FORUM:
A CONCEPT PAPER

Bandar Seri Begawan, 1 August 1995

INTRODUCTION

1. The Asia-Pacific region is experiencing an unprecedented period of peace and prosperity. For the first time in a century or more, the guns are virtually silent. There is a growing trend among the states in the region to enhance dialogue on political and security cooperation. The Asia-Pacific is also the most dynamic region in the world in terms of economic growth. The center of the world’s economic gravity is shifting into the region. The main challenge of the ASEAN REGIONAL FORUM (ARF) is to sustain and enhance this peace and prosperity.

2. This is not an easy challenge. The region has experienced some of the most disastrous wars of the twentieth century. It is also a remarkably diverse region where big and small countries co-exist. They differ significantly in levels of developments. There are cultural, ethnic, religious and historical differences to overcome. Habits of cooperation are not deep-seated in some parts of the region.

3. ASEAN has a pivotal role to play in the ARF. It has a demonstrate record of enhancing regional cooperation in the most diverse sub-region of the Asia-Pacific. It has also fostered habits of cooperation and provided the catalyst for encouraging regional cooperation in the wider Asia-Pacific region. The annual ASEAN Ministerial Meetings have contributed significantly to the positive regional environment today. There would be great hope for the Asia-Pacific if the whole region could emulate ASEAN’s record of enhancing the peace and prosperity of its participants.

4. Although ASEAN has undertaken the obligation to be the primary driving force of the ARF, a successful ARF requires the active participation and cooperation of all participants. ASEAN must always be sensitive and to take into account the interests and concerns of all ARF participants.

THE CHALLENGES

5. To successfully preserve and enhance the peace and prosperity of the region, the ARF must dispassionately analyse the key challenges facing the region. Firstly, it should acknowledge that periods of rapid economic growth are often accompanied by significant shifts in power relations. This can lead to conflict. The ARF will have to carefully manage these transitions to preserve the peace. Secondly, the region is remarkably diverse. The ARF should recognize and accept
the consensual approach to security issues. Thirdly, the region has a residue of unresolved territorial and other differences. Any one of these could spark conflagration that could undermine the peace and prosperity of the region. Overtime, the ARF will have to gradually defuse these potential problems.

6. It would be unwise for a young and fragile process like the ARF to tackle all these challenges simultaneously. A gradual evolutionary approach is required. This evolution can take place in three stages:

Stage I: Promotion of Confidence-Building Measures;
Stage II: Development of Preventive Diplomacy Mechanisms; and
Stage III: Development of Conflict-Resolution Mechanisms.

7. The participants of the first ARF Ministerial Meeting in Bangkok in July 1994 agreed on "the need to develop a more predictable and constructive pattern of relations for the Asia-Pacific region." In its initial phase, the ARF should therefore concentrate on enhancing the trust and confidence amongst participants and thereby foster a regional environment conducive to maintaining the peace and prosperity of the region.

Stage I: Promotion of Confidence-Building Measures

8. In promoting confidence-building measures, the ARF may adopt two complementary approaches. The first approach derives from ASEAN's experience which provides a valuable and proven guide for the ARF. ASEAN has succeeded in reducing tensions among its member states, promoting regional cooperation and creating a regional climate conducive to peace and prosperity without the implementation of explicit confidence-building measures, achieving conditions approximating those envisaged in the the Declaration of Zone of Peace, Freedom and Neutrality (ZOPFAN). The concepts of ZOPFAN and its essential component, the Southeast Asia Nuclear-Weapons-Free Zone (SEANWFZ), are significantly contributing to regional peace and stability. ASEAN's well-established practices of consultation and consensus (musyawarah and mufakat) have been significantly enhanced by the regular exchanges of high-level visits among ASEAN countries. This pattern of regular visits has effectively developed into a preventive diplomacy channel. In the Asian context, there is some merit to the ASEAN approach. It emphasizes the need to develop trust and confidence among neighbouring states.

9. The principles of good neighbourliness, which are elaborated in the concept of ZOPFAN, are enshrined in the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC). One simple concrete way of expanding the ASEAN experience is to encourage the ARF participants to associate themselves with the TAC. It is significant that the first ARF meeting in Bangkok agreed to "endorse the purposes and principles of ASEAN Treaty of Amity and Cooperation in Southeast Asia as a code of conduct governing relations between states and a
unique diplomatic instrument for regional confidence-building, preventive diplomacy, and political and security cooperation.”

10. The second approach is the implementation of concrete confidence-building measures. The first ARF meeting in Bangkok entrusted the next Chairman of the ARF, Brunei Darussalam, to study all the ideas presented by ARF participants and to also study other relevant internationally recognized norms, principles and practices. After extensive consultations, the ASEAN countries have prepared two lists of confidence-building measures. The first list (Annex A) spells out measures which can be explored and implemented by ARF participants in the immediate future. The second list (Annex B) is an indicative list of other proposals which can be explored over the medium and long-term by ARF participants and also considered in the immediate future by the Track Two process. These lists include possible preventive diplomacy and other measures.

11. Given the delicate nature of many of the subjects being considered by the ARF, there is merit in moving the ARF process along two tracks. Track One activities will be carried out by governments. Track Two activities will be carried out by strategic institutes and non-government organizations in the region, such as ASEAN-ISIS and CSCAP. To be meaningful and relevant, the Track Two activities may focus, as much as possible, on the current concerns of the ARF. The synergy between the two tracks would contribute greatly to confidence-building measures in the region. Over time, these Track Two activities should result in the creation of a sense of community among participants of these activities.

Moving Beyond Stage I

12. There remains a residue of unresolved territorial and other disputes that could be sources of tension or conflict. If the ARF is to become, over time, a meaningful vehicle to enhance the peace and prosperity of the region, it will have to demonstrate that it is a relevant instrument to be used in the event that a crisis or problem emerges. The ARF meeting in Bangkok demonstrated this by taking a stand on the Korean issues at the very first meeting. This was a sign that the ARF is ready to address any challenge to the peace and security of the region.

13. Over time, the ARF must develop its own mechanisms to carry out preventive diplomacy and conflict-resolution. In doing so, the ARF will face unique challenges. There are no established roads or procedures for it to follow. Without a high degree of confidence among ARF participants, it is unlikely that they will agree to the establishment of mechanisms which are perceived to be intrusive and/or autonomous. This is the political reality that ARF should recognize. However, it would be useful in the initial phase for the Track Two process to consider and investigate a variety of preventive diplomacy and conflict-resolution mechanisms. A good start was made with the three workshops organized by International Studies Centre (Thailand) and Institute of Policy Studies (Singapore)
on ASEAN-UN Cooperation for Peace and Preventive Diplomacy, and the Indonesia-sponsored series of workshops on the South China Sea.

Stage II: Development of Preventive Diplomacy

14. Preventive diplomacy would be a natural follow-up to confidence-building measures. Some suggestions for preventive diplomacy measures are spelled out in Annexures A and B.

Stage III: Conflict Resolution

15. It is not envisaged that the ARF would establish mechanisms of conflict resolution in the immediate future. The establishment of such mechanisms is an eventual goal that ARF participants should pursue as they proceed to develop the ARF as a vehicle for promoting regional peace and stability.

Organisation of ARF Activities

16. There shall be an annual ARF Ministerial Meeting in an ASEAN capital just after the ASEAN Ministerial Meeting. The host country will chair the meeting. The incoming Chairman of the ASEAN Standing Committee will chair all inter-sessional Track One activities of the ARF.

17. The ARF shall be apprised of all Track Two activities through the current Chairman of the Track One activities, who will be the main link between Track One and Track Two activities.

18. In the initial phase of the ARF, no institutionalisation is expected. Nor should a Secretariat be established in the near future. ASEAN shall be the repository of all ARF documents and information and provide the necessary support to sustain the ARF activities.

19. The participants of the ARF comprise the ASEAN member states, the observers, and consultative and dialogue partners of ASEAN. Applications to participate in the ARF shall be submitted to the Chairman of the ARF who will then consult the other ARF participants.

20. The rules of procedure of ARF meetings shall be based on prevailing ASEAN norms and practices. Decisions should be made by consensus after careful and extensive consultations. No voting will take place. In accordance with prevailing ASEAN practices, the Chairman of the ASEAN Standing Committee shall provide the secretarial support and coordinate ARF activities.

21. The ARF should also progress at a pace comfortable to all participants. The ARF should not move "too fast for those who want to go slow and not too slow for those who want to go fast."
CONCLUSION

22. ARF participants should not assume that the success of the ARF can be taken for granted. ASEAN’s experience shows that the success of the ARF can be taken for granted. ASEAN’s experience shows that success is a result of hard work and careful adherence to the rule of consensus. ARF participants will have to work equally hard and be equally sensitive to ensure that the ARF process stays on track.

23. The ARF must be accepted as a “sui generis” organization. It has no established precedents to follow. A great deal of innovation and ingenuity will be required to keep the ARF moving forward while at the same time ensure that it enjoys the support of its diverse participants. This is a major challenge both for the ASEAN countries and other ARF participants. The UN Secretary General’s Agenda for Peace has recognized that “just as no two regions or situations are the same, so the design of cooperative work and its division of labour must adjust to the realities of each case with flexibility and creativity.”

ANNEX A

I. CONFIDENCE-BUILDING MEASURES

Principles

1. The development of a set of basic principles to ensure a common understanding and approach to interstate relations in the region and
2. Adoption of comprehensive approaches to security.

Transparency

3. Dialogue on security perceptions, including voluntary statements on defence policy positions;
4. Defence publications such as Defence White Paper or equivalent documents considered necessary by respective governments;
5. Participation in UN Conventional Arms Register;
6. Enhanced contacts, including high-level visits and recreational activities;
7. Exchanges between military, academies, staff colleges and training;
8. Observers at military exercises, on voluntary basis; and
9. Annual seminar for defence officials and military officers on selected international security issues.

II. PREVENTIVE DIPLOMACY

1. Develop a set of guidelines for the peaceful settlement of disputes, taking into account the principles in the UN Charter and the TAC;
2. Promote the recognition and acceptance of the purposes and principles of the TAC and its provisions for the pacific settlement of disputes, as endorsed by the UNGA in Resolution 47/53 (B) on 9 December 1992; and
3. Seek the endorsement of other countries for the ASEAN Declaration on the South China Sea in order to strengthen its political and moral effect (as endorsed by the Programme of Action for ZOPFAN.

III. NON-PROLIFERATION AND ARMS CONTROL

1. Southeast Asia Nuclear Weapons-Free Zone (SEANWFZ).

IV. PEACEKEEPING

1. Seminars/Workshops on peacekeeping issues; and
2. Exchange of information and experience relating to UN peacekeeping operations.

V. MARITIME SECURITY OPERATIONS

1. Disaster Prevention.

ANNEX B

I. CONFIDENCE-BUILDING MEASURES

1. Further exploration of a Regional Arms Register;
2. Regional security studies center/coordination of existing security studies activities;
3. Maritime information databases;
4. Cooperative approaches to sea line of communication, beginning with exchanges of information and training in such areas as search and rescue, piracy and drug control.
5. Mechanism to mobilize relief assistance in the event of natural disasters;
6. Establishment of zones of cooperation in areas such as the South China Sea;
7. Systems of prior notification of major military deployments that have region-wide application; and
8. Encourage arms manufacturers and suppliers to disclose the destination of their arms exports.

II. PREVENTIVE DIPLOMACY

1. Explore and devise ways and means to prevent conflict;
2. Explore the idea of appointing Special Representatives, in consultation with ARF members, to undertake fact-finding missions, at the request of the parties involved in an issue, and to offer their good offices, as necessary; and
3. Explore the idea of establishing a Regional Risk Reduction Centre as suggested by the UN Secretary General in his Agenda For Peace and as commended by
UNGA Resolution 47/120 (see section IV operative para 4.). Such a center serves as a database for the exchange of information.

III. NON-PROLIFERATION AND ARMS CONTROL

1. A regional or sub-regional arrangement agreeing not to acquire or deploy ballistic missiles.

IV. PEACEKEEPING

1. Explore the possibility of establishing a peacekeeping centre.

V. MARITIME SECURITY COOPERATION

1. A multilateral agreement on the avoidance of naval accidents that apply to both local and external navies;
2. Sea-level/Climate Monitoring System;
3. Establishment of an ASEAN Relief and Assistance Force and a Maritime Safety (or Surveillance) Unit to look after the safety of the waters in the region;
4. Conventions on the Maritime Environment
   - Dumping of Toxic Wastes
   - Land-based Sources of Maritime Pollution;
5. Maritime surveillance; and
6. Explore the idea of joint marine scientific research.